



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,565	02/04/2004	Albert J. Stopniewicz	700546.4009	5500

34313 7590 01/04/2011
ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

EXAMINER

SHEPPERD, ERIC W

ART UNIT

PAPER NUMBER

2492

MAIL DATE

DELIVERY MODE

01/04/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/772,565

Applicant(s)

STOPNIEWICZ ET AL.

Examiner

ERIC W. SHEPPERD

Art Unit

2492

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14, 17-20, 22-26, 28-30 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14, 17-20, 22-26, 28-30 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No.(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 12-14, 17-20, 22-26, 28-30 and 32-36 are pending.

Response to Amendment

2. In response the amendment filed 10/07/2010: Applicant has amended the claims, and the corresponding rejections have been altered to address the amended language.

Response to Arguments

3. Applicant's arguments with respect to amended language regarding "content rating" have been considered but are moot in view of the new ground(s) of rejection (*see rejection of claims below*).
4. Applicant's other arguments filed 10/07/2010 have been fully considered but they are not persuasive.
5. Applicant argues with regards to claim 14 that Galipeau fails to disclose wherein a second entertainment file is selected and presented at a selected passenger seat with the second passenger seat group solely via a user interface system of the second portable media device.
6. Examiner respectfully disagrees. During patent examination, the claims are given the broadest reasonable interpretation consistent with the specification. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). See MPEP § 2111 - § 2116.01 for case law pertinent to claim analysis. In this case, the examiner is giving the term "solely via a user interface system of the second

Art Unit: 2492

portable media device” the broadest reasonable interpretation. The “user interface system” term is construed broadly to mean any interface functionality, including both hardware and software (e.g. network interface). The claim requires that the “selection” and “presentation” are “solely” occurring at a passenger seat, this does not exclude other actions from being performed by other entities, such as retrieving, transmitting, etc.

7. All other arguments presented by Applicant either re-hash or rely upon the issues addressed above, and are also not persuasive for the reasons given above.

Claim Interpretation

8. Applicant is made aware that optional claim language, such as conditional “if” statements that omit full scope of the condition (i.e. “when the condition does not happen, else, etc.”), does not further limit the claim as it suggests or makes optional but does not require steps to be performed, or does not limit a claim to a particular structure (See MPEP § 2111.04). Applicant is advised to rephrase conditional claim limitations to either remove the conditional language by positively stating the occurrence of the condition and narrowing the scope of the claim to only when the condition occurs or to amend the claim to encompass the full scope of the condition (i.e. as with the “inhibiting” in claim 28).

9. Applicant is also made aware that optional claim language, such as “wherein”, may not necessarily further limit the claim as it suggests or makes optional but does not require steps to be performed, or does not limit a claim to a

particular structure (See MPEP § 2111.04).

Claim Objections

10. Claim 12 is objected to because of the following informalities: In Claim 12 line 23, the term "each" appears to be a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 12-14, 17-20, 22-26 and 28-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Claim 12 lines 14-15 and claim 28 lines 16-17 recite the limitation "the selected first entertainment file in its entirety" in which the term "its" lacks proper antecedent basis. For purposes of applying prior art the limitation has been construed as "the entire selected first entertainment file".

14. Claim 12 line 21 recites the limitation "the selected second entertainment file in its entirety" in which the term "its" lacks proper antecedent basis. For purposes of applying prior art the limitation has been construed as "the entire selected second entertainment file".

15. Claim 12 lines 23-24 contain the conditional limitation "if the content rating of the selected second entertainment file satisfies a predetermined content

Art Unit: 2492

standard" which is vague and indefinite as the limitation does not address the alternative of when the condition does not occur. This renders the claim limitation "said headend system enabling said second portable media device to receive the selected second entertainment file in its entirety from the second content library and said local content source to store an archival copy of the selected second entertainment file" indefinite, as the limitation is not required when the condition does not occur.

16. Claim 19 lines 5-6 contains the conditional limitation "if the content rating of the passenger file satisfies the predetermined content standard" which is vague and indefinite as the limitation does not address the alternative of when the condition does not occur. This renders the claim limitation "wherein said headend system enables said local content source to receive and store the passenger entertainment file" indefinite, as the limitation is not required when the condition does not occur.

17. Claim 25 lines 19-20 recite the limitation "a selected entertainment file in its entirety" in which the term "its" lacks proper antecedent basis. For purposes of applying prior art the limitation has been construed as "the entire selected entertainment file".

18. Claim 25 lines 20-21 contains the conditional limitation "if the content rating of the selected entertainment file satisfies a predetermined content standard" which is vague and indefinite as the limitation does not address the alternative of when the condition does not occur. This renders the claim limitation "receiving and storing a selected entertainment file in its entirety from the remote content

Art Unit: 2492

source" indefinite, as the limitation is not required when the condition does not occur.

19. Claim 25 lines 36-37 contains the conditional limitation "if the content rating of the selected entertainment file satisfies the predetermined content standard" which is vague and indefinite as the limitation does not address the alternative of when the condition does not occur. This renders the claim limitation "wherein the local content source stores an archival copy of the stored entertainment file" indefinite, as the limitation is not required when the condition does not occur.

20. Claim 29 line 4 recites the limitation "the passenger entertainment file" which lacks proper antecedent basis. For purposes of applying prior art the limitation has been construed as "a passenger entertainment file".

21. Claim 30 lines 5-6 contains the conditional limitation "if the content rating of the passenger entertainment file satisfies the predetermined content standard" which is vague and indefinite as the limitation does not address the alternative of when the condition does not occur. This renders the claim limitation "enabling the local content source to receive and store the passenger entertainment file" indefinite, as the limitation is not required when the condition does not occur.

22. Claims 13-14, 17-20, 22-24, 26, 29-30 and 31-36 incorporate the deficiencies of claims 12, 25 and 28, through dependency, and are therefore also rejected.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 12-14, 19-20, 22-26, 28-30, 32-33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau et al (US 6,249,913 B1), in view of Luehrs (US 7,690,012 B2).

25. As to claim 12, Galipeau substantially discloses a vehicle information system suitable for installation aboard a passenger vehicle (Galipeau Abstract), comprising:

a local content source for providing a first content library (Galipeau Fig. 9a item 190 *internet mass storage unit*, item 194 *video reproducer storing multiple videos* and item 196 *audio reproducer outputting audio channels*) associated with a first passenger seat group within the passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 12 *first column of seat groups*);

a headend system for communicating with a remote content source including a second content library (Galipeau "Internet Server" Fig. 12, item 192 *communicating with "AirNet Ground Server"* Fig. 12, item 232; column 12 lines 31-36 *ground server provides access to Internet and available internet data*) associated with a second passenger seat group within the passenger vehicle

Art Unit: 2492

(Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 14 *second column of seat groups*);

a first portable media device being associated with the first passenger seat group (Galipeau "Personal Computer" Fig. 12 item 226 *being used with a first group*), enabling selection of a selected first entertainment *content* (Galipeau column 4 lines 26-29 *functions requested by passenger including content playback or retrieval*), and for receiving the selected first entertainment *content* in its entirety from the first content library via said headend system (Galipeau column 4 lines 26-31 *delivery of real time data requested by passenger*; column 10 lines 30-34 *route data from headend to passenger*); and

a second portable media device being associated with the second passenger seat group (Galipeau "Personal Computer" Fig. 12 item 226 *a different personal computer being used with a second group*), enabling selection of a selected second entertainment *content* (Galipeau column 4 lines 26-29 *functions requested by passenger including content playback or retrieval*), said headend system enabling said second portable media device to receive the selected second entertainment *content* in its entirety from the second content library (Galipeau column 12 lines 25-36 *information desired by passenger is external then access remote ground server for retrieval via the headend*).

Galipeau fails to explicitly disclose content data as media files, said headend system for providing a first content catalog of first entertainment files available from the first content library and a second content catalog of second entertainment files available from the second content library, the second content

Art Unit: 2492

catalog including a content rating of the second entertainment files; presenting the first and second content catalogs; and said local content source to store an archival copy of the selected second entertainment file if the content rating of the selected second entertainment file satisfies a predetermined content standard; wherein the second content library is different from the first content library and is not available to said first portable media device, wherein said first and second portable media devices can respectively present the selected first and second entertainment files regardless of whether said first and second portable media devices are in communication with said headend system.

However, Galipeau discloses a system wherein a personal computer can interact with the Internet via any software program that is able to communicate with the vehicle system interface (Galipeau column 11 line 51 – column 12 line 6). Some of the applications given as example by Galipeau (e.g. Microsoft Outlook) function in a manner that has content being stored locally, such that once the content is received presentation would not require connection to a network (e.g. e-mail received and stored in local mail store). With this in mind, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains that the personal computer of Galipeau would be capable of presenting prior received content regardless of connection status.

Galipeau fails to explicitly disclose content data as media files, said headend system for providing a first content catalog of first entertainment files available from the first content library and a second content catalog of second

entertainment files available from the second content library, the second content catalog including a content rating of the second entertainment files; presenting the first and second content catalogs; and said local content source to store an archival copy of the selected second entertainment file if the content rating of the selected second entertainment file satisfies a predetermined content standard; wherein the second content library is different from the first content library and is not available to said first portable media device.

Luehrs describes a system for controlling viewer access to media content by positive indication of allowable media content.

With this in mind, Luehrs discloses media files (Luehrs column 6 lines 54-67 *content in file system format that is stored for later use*), said headend system (Luehrs column 18 lines 20-23 *parent control system (PCS) implemented at headend*) for providing a first content catalog of first entertainment files available from the first content library (Luehrs Fig. 25 *child content catalog displayed*) and a second content catalog of second entertainment files available (Luehrs Fig. 8 *present different catalogs for different levels of access*; column 19 lines 2-6 *display/allow access to content administrator deems suitable for level*) from the second content library (Luehrs column 7 lines 53-55 *headend has many inputs providing content*; Fig. 9A *showing different inputs IPG, PPV, VOD that can be selectively enabled/disabled for an access level*), the second content catalog including a content rating of the second entertainment files (Luehrs column 22 lines 22-26 *use MPAA rating to determine access enablement*); presenting the first and second content catalogs (Luehrs Fig. 25 *showing catalog presentation*);

Art Unit: 2492

and said local content source to store an archival copy of the selected second entertainment file if the content rating of the selected second entertainment file satisfies a predetermined content standard (Luehrs column 27 lines 3-17 *only enabled content is stored*); wherein the second content library is different from the first content library and is not available to said first portable media device (Luehrs Fig. 10A-B & Fig. 11A *showing administrator/parent catalog having access to remote video on demand (VOD) compared to Fig. 25 child catalog not having access to VOD*). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine the parental control system of Luehrs with the aircraft data management system of Galipeau as it would reduce the risk of exposure to inappropriate content by the passengers of Galipeau to whom such exposure may be considered offensive (Luehrs column 1 lines 52-57).

26. As to claim 13, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 12, including wherein said second portable media device includes:

a handheld case having a predetermined shape and including a communication port (Galipeau Fig. 12 item 226 *communicating laptop with case*);

a transceiver system for wirelessly communicating with said headend system via the communication port, said transceiver system being disposed within said handheld case (Luehrs column 16 lines 38-49 *wireless DHCT functionality in combination with personal computer of Galipeau*);

an integrated user interface system being provided on said handheld case (Galipeau column 11 lines 59-65 *software*) and including:

a video presentation system (Galipeau column 3 lines 3-10 *video*) for selecting among the second entertainment files available from the second content library via a menu-based system (Luehrs Fig. 25 *showing access an catalog*) and for presenting a video portion of the selected second entertainment file (Galipeau column 9 lines 22-25 *video present to personal computer*);

an audio presentation for presenting an audio portion of the selected second entertainment file (Galipeau column 9 lines 33-36 *audio presented with video*); and

a control system for selecting the selected second entertainment file for presentation (Luehrs Fig. 25 *showing access an catalog* and controlling the presentation of the selected second entertainment file (Luehrs column 14 lines 2-4 *controlling random access of media* (e.g. *fast forward, rewind*)).

27. As to claim 14, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 13, including wherein the selected second entertainment file is selected and presented at a selected passenger seat within the second passenger seat group solely via the user interface system (Galipeau column 9 lines 22-25 *video present to personal computer*; column 12 lines 712 *routed to passenger*).

Art Unit: 2492

28. As to claim 19, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 12, including wherein said second portable media device is configured to upload a passenger entertainment file associated with a content rating to said local content source for subsequent download by another portable media device (Luehrs column 17 lines 55-65 *media content can be transmitted from other consumer devices to the storage*), and wherein said headend system enables said local content source to receive and store the passenger entertainment file if the content rating of the passenger file satisfies the predetermined content standard (Luehrs column 27 lines 12-15 *only enabled content can be downloaded to storage, and then retrieved from enabled access*).

29. As to claim 20, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 19, including wherein the passenger entertainment file comprises a photograph (Luehrs column 27 lines 12-17 *individual frames of content being stored are selectively enabled*).

30. As to claim 22, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 12, including further comprising a plurality of said first portable media devices each being associated with the first passenger seat group and configured for selecting among the first entertainment files available from the first content library and for presenting the selected first entertainment file (Galipeau Fig. 1 *multiple passenger groups with multiple*

seats).

31. As to claim 23, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 12, including further comprising a plurality of said second portable media devices each being associated with the second passenger seat group and configured for selecting among the second entertainment files available from the second content library and for presenting the selected second entertainment file (Galipeau Fig. 1 *multiple passenger groups with multiple seats*).

32. As to claim 24, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 12, including an aircraft including a vehicle information system characterized by claim 12 (Galipeau Abstract).

33. As to claim 25, Galipeau substantially discloses a portable media device (Galipeau Fig. 12 "Personal Computer") for communicating with a remote content source via a vehicle information system being installed aboard a passenger vehicle and having a headend system ("Internet Server" Fig. 12, item 192 *communicating with "AirNet Ground Server" Fig. 12, item 232; column 12 lines 31-36 ground server provides access to Internet and available internet data*) and a local content source (Galipeau Fig. 9a item 190 *internet mass storage unit*, item 194 *video reproducer storing multiple videos* and item 196 *audio reproducer outputting audio channels*), the portable media device and the remote content

Art Unit: 2492

source each being associated with a selected passenger seat group (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 14 *second column of seat groups*) comprising:

- a handheld case having a predetermined shape and including a communication port (Galipeau Fig. 12 item 226 *communicating laptop with case*);

- a transceiver system for wirelessly communicating with the headend system of the vehicle information system via the communication port, said transceiver system being disposed within said handheld case (Galipeau "Personal Computer" Fig. 12 item 226 communicating with "Server" item 192);

- an integrated user interface system being provided on said handheld case (Galipeau column 11 lines 59-65 *software*) and including:

- a video presentation system (Galipeau column 3 lines 3-10 *video*) for selecting among the available entertainment content (Galipeau column 4 lines 26-29 *requested by passenger*);

- a memory system for receiving and storing a selected entertainment content in its entirety from the remote content source (Galipeau column 12 lines 25-36 *information desired by passenger is external then access remote ground server for retrieval via the headend*);

- said video presentation system for presenting a video portion of the stored entertainment content (Galipeau column 9 lines 22-25 *video presented to personal computer*);

- an audio presentation for presenting an audio portion of the stored entertainment content (Galipeau column 9 lines 33-36 *audio presented with*

Art Unit: 2492

video); and

a control system for selecting the stored entertainment content for presentation and controlling the presentation of the stored entertainment content,

wherein the local content source includes a content library (Galipeau Fig. 9a item 190 *internet mass storage unit*, item 194 *video reproducer storing multiple videos and item 196 audio reproducer outputting audio channels*), that is associated with another passenger seat group (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 12 *first column of seat groups*).

Galipeau fails to explicitly disclose content data as media files, presenting a content catalog of entertainment files available from a relevant content library of the remote content source, a menu-based system, the content catalog including a content rating of the entertainment files, storing content if the content rating of the selected entertainment file satisfies a predetermined content standard such that the portable media device can present the stored entertainment file regardless of whether the portable media device is in communication with the vehicle information system; a content library that is different from the relevant content library that is not available to the portable media device; wherein the local content source stores an archival copy of the stored entertainment file if the content rating of the selected entertainment file satisfies the predetermined content standard.

However, Galipeau discloses a system wherein a personal computer can interact with the Internet via any software program that is able to communication with the vehicle system interface (Galipeau column 11 line 51 – column 12 line

Art Unit: 2492

6). Some of the applications given as example by Galipeau (e.g. Microsoft Outlook) function in a manner that has content being stored locally, such that once the content is received presentation would not require connection to a network (e.g. e-mail received and stored in local mail store). With this in mind, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains that the personal computer of Galipeau would be capable of presenting prior received content regardless of connection status.

Galipeau fails to explicitly disclose content data as media files, presenting a content catalog of entertainment files available from a relevant content library of the remote content source, a menu-based system, the content catalog including a content rating of the entertainment files, storing content if the content rating of the selected entertainment file satisfies a predetermined content standard; a content library that is different from the relevant content library that is not available to the portable media device; wherein the local content source stores an archival copy of the stored entertainment file if the content rating of the selected entertainment file satisfies the predetermined content standard.

Luehrs discloses media files (Luehrs column 6 lines 54-67 *content in file system format that is stored for later use*), presenting a content catalog of entertainment files available from a relevant content library of the remote content source (Luehrs Fig. 11A *parent/administrator catalog view of remote content*), a menu-based system (Luehrs Fig. 10A *navigation window*), the content catalog including a content rating of the entertainment files (Luehrs column 22 lines 22-

Art Unit: 2492

26 *use MPAA rating to determine access enablement*), storing content if the content rating of the selected entertainment file satisfies a predetermined content standard (Luehrs column 27 lines 3-17 *only enabled content is stored*); a content library that is different from the relevant content library that is not available to the portable media device (Luehrs Fig. 10A-B & Fig. 11A *showing administrator/parent catalog having access to remote video on demand (VOD) compared to Fig. 25 child catalog not having access to VOD*); wherein the local content source stores an archival copy of the stored entertainment file if the content rating of the selected entertainment file satisfies the predetermined content standard (Luehrs column 27 lines 3-17 *only enabled content is stored*). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine the parental control system of Luehrs with the aircraft data management system of Galipeau as it would reduce the risk of exposure to inappropriate content by the passengers of Galipeau to whom such exposure may be considered offensive (Luehrs column 1 lines 52-57).

34. As to claim 26, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 25, including a vehicle information system installed aboard a passenger vehicle (Galipeau Abstract), comprising:

a headend system for communicating with a remote content source including a relevant content library ("Internet Server" Fig. 12, item 192 *communicating with "AirNet Ground Server" Fig. 12, item 232*; column 12 lines

31-36 *ground server provides access to Internet and available internet data*) associated with a relevant passenger seat group within the passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 14 *second column of seat groups*); and

a portable media device for selecting and receiving preselected viewing content available from the relevant content library of the content source via the headend system and for presenting the preselected viewing content as characterized by claim 25 (Galipeau "Personal Computer" Fig. 12 item 226 *a different personal computer being used with a second group*).

35. As to claim 28, Galipeau substantially discloses a method for distributing viewing content aboard a passenger vehicle (Galipeau Abstract), comprising:

providing a headend system (Galipeau "Internet Server" Fig. 12, item 192) including a local content source for providing a first content library (Galipeau Fig. 9a item 190 *internet mass storage unit*, item 194 *video reproducer storing multiple videos* and item 196 *audio reproducer outputting audio channels*) associated with a first passenger seat group within the passenger vehicle (Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 12 *first column of seat groups*), said headend system for communicating with a remote content source including a second content library (Galipeau "Internet Server" Fig. 12, item 192 *communicating with "AirNet Ground Server"* Fig. 12, item 232; column 12 lines 31-36 *ground server provides access to Internet and available internet data*) associated with a second passenger seat group within the passenger vehicle

Art Unit: 2492

(Galipeau column 3 lines 52-55 *seat groups*; Fig. 1 item 14 *second column of seat groups*);

a first portable media device associated with the first passenger seat group (Galipeau "Personal Computer" Fig. 12 item 226 *being used with a first group*);

enabling the first portable media device to select a selected first entertainment content (Galipeau column 4 lines 26-29 *functions requested by passenger including content playback or retrieval*) and to receive the selected first entertainment content in its entirety from the first content library via said headend system (Galipeau column 4 lines 26-31 *delivery of real time data requested by passenger*; column 10 lines 30-34 *route data from headend to passenger*);

a second portable media device associated with the second passenger seat group (Galipeau "Personal Computer" Fig. 12 item 226 *a different personal computer being used with a second group*); and

enabling the second portable media device to select a selected second entertainment content (Galipeau column 4 lines 26-29 *functions requested by passenger including content playback or retrieval*);

enabling the second portable media device to receive the selected second entertainment file from the second content library via said headend system (Galipeau column 12 lines 25-36 *information desired by passenger is external then access remote ground server for retrieval via the headend*).

Galipeau fails to explicitly disclose media files; providing a first content

Art Unit: 2492

catalog of entertainment files available from the first content library and a second content catalog of second entertainment files available from the second content library, the second content catalog including a content rating of the second entertainment files; enabling the second portable media device to receive the selected second entertainment file if the content rating of the selected second entertainment file satisfies a predetermined content standard, enabling the local content source to store an archival copy of the selected second entertainment file, inhibiting the second portable media device from receiving the selected second entertainment file if the content rating of the selected second entertainment file fails to satisfy the predetermined content standard, wherein the second content library is different from the first content library and is not available to said first portable media device, and wherein said first and second portable media devices can respectively present the selected first and second entertainment files regardless of whether said first and second portable media devices are in communication with said headend system.

However, Galipeau discloses a system wherein a personal computer can interact with the Internet via any software program that is able to communication with the vehicle system interface (Galipeau column 11 line 51 – column 12 line 6). Some of the applications given as example by Galipeau (e.g. Microsoft Outlook) function in a manner that has content being stored locally, such that once the content is received presentation would not require connection to a network (e.g. e-mail received and stored in local mail store). With this in mind, it would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains that the personal computer of Galipeau would be capable of presenting prior received content regardless of connection status.

Galipeau fails to explicitly disclose media files; providing a first content catalog of entertainment files available from the first content library and a second content catalog of second entertainment files available from the second content library, the second content catalog including a content rating of the second entertainment files; enabling the second portable media device to receive the selected second entertainment file if the content rating of the selected second entertainment file satisfies a predetermined content standard, enabling the local content source to store an archival copy of the selected second entertainment file, inhibiting the second portable media device from receiving the selected second entertainment file if the content rating of the selected second entertainment file fails to satisfy the predetermined content standard, wherein the second content library is different from the first content library and is not available to said first portable media device.

Luehrs discloses media files (Luehrs column 6 lines 54-67 *content in file system format that is stored for later use*); providing a first content catalog of entertainment files available from the first content library (Luehrs Fig. 25 *child content catalog displayed*) and a second content catalog of second entertainment files available from the second content library (Luehrs Fig. 8 *present different catalogs for different levels of access*; column 19 lines 2-6 *display/allow access to content administrator deems suitable for level*), the second content catalog

Art Unit: 2492

including a content rating of the second entertainment files (Luehrs column 22 lines 22-26 *use MPAA rating to determine access enablement*); enabling the second portable media device to receive the selected second entertainment file if the content rating of the selected second entertainment file satisfies a predetermined content standard (Luehrs Fig. 25 *only enabled content is accessible by child*), enabling the local content source to store an archival copy of the selected second entertainment file (Luehrs column 27 lines 3-17 *only enabled content is stored*), inhibiting the second portable media device from receiving the selected second entertainment file if the content rating of the selected second entertainment file fails to satisfy the predetermined content standard (Luehrs Fig. 25 *only enabled content is accessible by child*), wherein the second content library is different from the first content library and is not available to said first portable media device (Luehrs Fig. 10A-B & Fig. 11A *showing administrator/parent catalog having access to remote video on demand (VOD) compared to Fig. 25 child catalog not having access to VOD*). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine the parental control system of Luehrs with the aircraft data management system of Galipeau as it would reduce the risk of exposure to inappropriate content by the passengers of Galipeau to whom such exposure may be considered offensive (Luehrs column 1 lines 52-57).

36. As to claim 29, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 28, including further comprising updating the first content catalog to include the archival copy of the selected second entertainment file and the passenger entertainment file (Luehrs Fig. 25 *catalog is updated when made accessible by administrator prior to storage*); and enabling each file to be available for subsequent download by the first portable media device (Luehrs column 27 lines 3-17 *storing enabled content*).

37. As to claim 30, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 28, including further comprising configuring the second portable media device to upload a passenger entertainment file associated with a content rating to said local content source for subsequent download by another portable media device (Luehrs column 17 lines 55-65 *media content can be transmitted from other consumer devices to the storage*), and enabling the local content source to receive and store the passenger entertainment file if the content rating of the passenger file satisfies the predetermined content standard (Luehrs column 27 lines 12-15 *only enabled content can be downloaded to storage, and then retrieved fro enabled access*).

38. As to claim 32, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 12, including wherein the content rating of the second entertainment files includes parent labeling guideline requirements (Luehrs column 22 lines 22-26 *use MPAA rating to determine*

access enablement).

39. As to claim 33, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 12, including wherein at least one of the first and second selected entertainment files comprises a motion picture (Luehrs Fig. 11A *video on demand presenting movies*).

40. As to claim 36, the above combination of Galipeau and Luehrs disclose the invention as claimed as described in claim 19, including wherein said headend system updates the first content catalog to include the archival copy of the selected second entertainment file and the passenger entertainment file (Luehrs column 26 lines 47-49) such that each file is available for subsequent download by said first portable media device (Luehrs column 27 lines 12-15 *only enabled content can be downloaded to storage, and then retrieved fro enabled access*).

41. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau et al (US 6,249,913 B1), in view of Luehrs (US 7,690,012 B2), in view of Wilson et al (US 2004/0192339 A1).

42. As to claim 17, the above combination of Galipeau and Luehrs substantially disclose the invention as claimed as described in claim 12, including wherein at least a portion of the second content library is made available to said

Art Unit: 2492

first portable media device (Luehrs Fig. 25 *showing catalog with only enabled content available*).

The above combination of Galipeau and Luehrs fail to explicitly disclose wherein content is made available upon payment of a fee.

Wilson describes a method for providing location-based services to multiple mobile devices in a wireless telecommunication network.

With this in mind, Wilson discloses wherein content is made available upon payment of a fee. (Wilson claim 2 lines 7-13 *access to premium with payment*). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the multi-level content providing of Wilson with the passenger based content providing system of Galipeau and Luehrs as it would allow content providers (i.e. an airline) to provide "premium content or features to users at rates higher than simple subscription fees" (Wilson [0161] lines 6-9), enabling the content provider to increase revenue by providing a tier based system of content.

43. As to claim 18, the above combination of Galipeau, Luehrs and Wilson disclose the invention as claimed as described in claim 17, including wherein a content preview from the second content library is available for presentation via said first portable media device prior to the payment of the fee (Luehrs column 23 lines 34-45 *preview content prior to approval*).

Art Unit: 2492

44. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau et al (US 6,249,913 B1), in view of Luehrs (US 7,690,012 B2), in view of Wilson et al (US 2004/0192339 A1), in view of Spaeth et al (US 6,920,611 B1).

45. As to claim 34, the above combination of Galipeau, Luehrs and Wilson disclose the invention as claimed as described in claim 17, Failing, however, to explicitly disclose wherein said first portable media device includes a credit card reader for receiving transaction information in payment of the fee, said credit card reader being disposed upon a handheld housing of said first portable media device.

Spaeth describes a system and method for facilitating transactions amongst cardholder systems and merchant servers.

With this in mind, Spaeth discloses wherein said first portable media device includes a credit card reader for receiving transaction information in payment of the fee, said credit card reader being disposed upon a handheld housing of said first portable media device (Spaeth column 2 lines 44-47 *card reader on PC*). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine the DEVICE of Spaeth with the personal computer/player of Galipeau, Luehrs and Wilson as it would allow a passenger on an airline to conduct a transaction alone, rather than requiring interaction with a representative of the

Art Unit: 2492

airline (Spaeth column 1 lines 47-56).

46. As to claim 35, the above combination of Galipeau, Luehrs, Wilson and Spaeth disclose the invention as claimed as described in claim 34, wherein the remote content source processes the transaction information by calculating a total fee, generating a transaction report (Spaeth column 5 lines 45-48 *script or web page associated with transaction shown to user*), and forwarding the transaction report to a billing address associated with the transaction information (Spaeth column 5 lines 21-25 *payment processing by merchant server*).

Conclusion

47. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

48. Goddard (US 6,684,240 B1) is related setting parental lock levels based on content examples.

49. Russell-Falla et al (US 6,266,664 B1) is related to rating digital content.

50. Siegel (US 6,974,076 B1) is related to a media player comprising a card reader.

51. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC W. SHEPPERD whose telephone number is (571)270-5654. The examiner can normally be reached on Monday - Thursday, Alt. Friday, 7:30 AM - 5PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2492

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. W. S./
Examiner, Art Unit 2492

/JOSEPH THOMAS/
Supervisory Patent Examiner, Art Unit 2492